United Nations A/C.3/53/2

General Assembly

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Fifty-third session
Third Committee
Agenda item 108
Elimination of racism and racial discrimination

Letter dated 24 September 1998 from the Permanent Representative of Norway to the United Nations addressed to the Secretary-General

With reference to your note transmitting the report of the Special Rapporteur of the Committee on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the General Assembly (A/53/269), I would like to draw your attention to paragraph 17 of the report in which there is an incorrect description of the situation in Norway. It is therefore necessary to dispel the false impression the Members of the United Nations have been given by this report.

To equate the second largest party in the Norwegian Parliament with neo-fascism and neo-Nazism, using terms like "extreme right parties advocating xenophobia, attacks on ethnic, national and religious minorities, and racial or ethnic purity" is incorrect. It is a grave factual mistake to list the Progress Party among examples of resurgence of neo-fascism and neo-Nazism. The Special Rapporteur refers to studies published by the European Commission against Racism and Intolerance. The study of the European Commission on Norway contains relevant information and opinions on the struggle against racism and intolerance, which is also fought in Norway. The study does not contain any reference to the Progress Party.

Furthermore, in the report of the Special Rapporteur it is maintained that the Progress Party obtained 22 per cent of the votes and 41 seats during the last elections, which is not the case. The correct numbers are 15.3 per cent and 25 seats in Parliament.

As you are well aware, Norway strongly supports the efforts of the United Nations to seek stronger implementation and increased respect for human rights. The offices of the Special Rapporteurs are valuable and important instruments in this regard. Their work provides an important platform for debate and follow-up on human rights obligations. It is of utmost importance that the reports of the Special Rapporteurs are accurate and truthful.

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I would request that the present letter be circulated as a document of the General Assembly, under agenda item 108 of the fifty-third session of the General Assembly.

(*Signed*) Ole Peter **Kolby**
Permanent Representative

United Nations A/C.3/53/3

General Assembly

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7 October 1998
English
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Fifty-third session
Third Committee
Agenda item 110 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 29 September 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to draw to your attention the statement on the situation in Nigeria, issued on 18 September 1998, by the Presidency of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly.

(Signed) Ernst **Sucharipa**
Permanent Representative of Austria
to the United Nations

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Annex

[Original: English and French]

Statement on the situation in Nigeria, issued on 18 September 1998, by the Presidency of the European Union

The European Union welcomes recent developments in Nigeria. In particular, it appreciates the commitment of the Government to engage in a democratization process. In this context, the European Union welcomes the establishment of a new electoral commission that has already issued guidelines on the registration of political parties and a detailed timetable for the election process, the first step of which, the preliminary registration of the parties, has just been successfully concluded. We will be prepared to support the elections technically and to send election observers, if so requested by the Nigerian authorities.

The European Union also acknowledges the efforts made by the Head of State to base the membership of the newly established Federal Executive Council on broad representation from the various regions. We further welcome the publication of the 1995 draft constitution which had been withheld for such a long time.

The Union recognizes the release of a large number of political prisoners during the past months, including the "Ogoni 20". The European Union expects that those still remaining in detention will also be released in due course, and that Decree No. 2, providing for detention without trial, will be repealed. The Union further welcomes the Government's promise to protect freedom of association and its steps to lift restrictions on trade union activity, as well as its decision to readmit the Academic Staff Union of Universities.

The European Union also notes promises of the Government to protect freedom of expression, in particular, freedom of the press, and acknowledges the first steps to reorganize media laws as a concrete follow-up in this regard. The Union hopes that Decree No. 43, obliging print media to renew their registration each year, will be repealed soon.

In the context of human rights, the Union further welcomes the invitation extended to the United Nations Special Rapporteur on 16 September to visit Nigeria.

The European Union encourages the Government of Nigeria to continue its efforts in re-establishing a democratic society, characterized by the observance of human rights and based on the rule of law. The European Union will continue to further this aim by intensifying the political dialogue, which began with British Minister of State Lloyd's visit to Nigeria, representing the European Union Presidency, and was continued by visits of Ministers of other European Union member States on a bilateral basis.

The European Union calls upon all sectors of Nigerian society to participate in this promising process of democratization and stresses its readiness to cooperate with all political forces committed to democratic principles, the rule of law and to assisting in the building of a civil society.

The Union finally looks forward to the normalization of relations between the European Union and Nigeria, on the understanding that the positive developments in the country will continue. In recognition of specific progress towards democratization and in response to tangible achievements in Nigeria's transition to civilian rule, the European Union stands ready to review its Common Position of 1995 and the sanctions contained therein.

The Central and Eastern European countries and Cyprus associated with the European Union and the European Free Trade Association countries, Iceland and Norway, members of the European Economic Area, align themselves with this statement.

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General Assembly

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Agenda item 110
Human rights questions

Letter dated 9 October 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the declaration of the Presidency on behalf of the European Union on Burma/Myanmar issued on 9 October 1998 (see annex).

I should be grateful if you would have this letter and the annex thereto circulated as a document of the General Assembly.

(Signed) **Ernst Sucharipa**
Permanent Representative

98-30771 (E) 161098 161098

Annex

Declaration by the European Union on Burma/Myanmar

The European Union remains deeply concerned at the deteriorating internal situation in Burma and recalls its condemnation of the detention of opposition activists, including elected representatives to the Parliament, and reiterates its call for the lifting of all restrictions on the freedom of movement of Daw Aung San Suu Kyi and the immediate release of all political detainees in Burma.

The European Union urges once again the Burmese authorities to take steps towards democracy and national reconciliation. Any move towards the convening of Parliament, the adoption of a new democratic constitution and the holding of free and fair elections would constitute essential steps towards democracy.

Under the present circumstances, which make it impossible for the Parliament elected in 1990 to convene, the European Union notes that the opposition has found it necessary to establish a committee to temporarily represent the Parliament and hopes that the Burmese authorities reciprocate this initiative by entering into a substantive dialogue with parties which have received democratic support at the last elections.

The European Union is actively considering further political steps to underline its concern.

The Central and Eastern European countries associated with the European Union, the associated country Cyprus and the European Free Trade Association countries members of the European Economic Area align themselves with this declaration.

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Human rights questions

Letter dated 19 October 1998 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I wish to refer to the two letters from the Permanent Representative of Austria to the United Nations circulated in General Assembly documents A/53/215 dated 6 August 1998 and A/53/404 dated 18 September 1998, both with attached statements by the Presidency of the European Union on the recent developments in Myanmar.

Both statements contain allegations which misrepresent the recent developments in my country, and I would like to present the facts in order to rectify those misrepresentations point by point.

One statement alleges that the authorities of Myanmar had hindered the free movement of Daw Aung San Suu Kyi and that she was forced to return to Yangon. This allegation is misleading. It is commonly known and easily verifiable that Daw Aung San Suu Kyi moves about freely in the capital, meeting with members of diplomatic missions, journalists, foreign visitors and her party members in Yangon. Despite this, she attempted to travel outside Yangon with the apparent motive of creating chaos and disorder by staging political rallies without permission from the authorities in the Ayeyarwady Division and to provoke the Government into taking legal action. The Government, however, acted with restraint and merely asked her not to travel outside Yangon to preserve peace and tranquillity as well as for her own security, for the Government had taken full responsibility at her own request. It may be mentioned that the Government is responsible for the security of all political leaders in the country. While she obstinately stayed in her car, the authorities made every effort to ensure her safety and even her comfort. When the National League for Democracy (NLD) Central Executive Committee members requested medical attention, the authorities promptly complied and made arrangements for her two personal physicians to visit Daw Aung San Suu Kyi.

As a matter of fact, it was under the advice of her physicians and at the request of NLD that the authorities made necessary arrangements to enable her to return to her residence. Because of her weak physical condition, the authorities even provided two female Red Cross

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officials, not security officials as alleged, to accompany her back home. It was a humanitarian gesture on the part of the Government made in the interest of her own welfare.

In the same statement, the European Union also expressed hope that the Government of Myanmar would take all necessary steps to start a meaningful dialogue. In this connection, I wish to state that the Government of the Union of Myanmar has laid down a systematic programme for transition to a new political system, taking into account the political, economic, social and geopolitical conditions of the country. Under the programme, a National Convention process was started in January 1993 with the objective of drafting a firm and enduring constitution. The National Convention is a systematic political process in which delegates from political parties, representatives-elect, national races, peasants, workers, intellectuals and intelligentsia, service personnel and other invited guests are fully participating in a dialogue and striving for the emergence of a firm and enduring constitution. It is also worth mentioning that 86 elected NLD party representatives had participated in the National Convention from 1993 until November 1995, when they suddenly decided to withdraw from the process.

There should, however, be no doubt that a democratic Government will be formed based on the constitution which will emerge from the National Convention. The National Convention has made considerable progress and is deliberating the very delicate and sensitive issue of power-sharing between the central organs of the State and those of states and regions. As soon as a consensus has been achieved on this delicate issue, the National Convention process will be able to move forward with added momentum.

It must be stressed that the National Convention is the most appropriate forum and representative of all ethnic nationalities and all strata of the society. There is indeed no other alternative to the process. Under the circumstances, any other alternative will be detrimental to the interests of the country.

The allegations of detention contained in another statement are misleading, too. The fact is that NLD is attempting to illegally convene a parliament which would pose a serious threat to the existing peace and stability of the country, which is punishable under existing laws. This could also lead to a chaotic political situation. Before the situation came to such a pass and to avert unnecessary action, the Government invited some NLD members to government guest houses for the purpose of exchanging views on the consequences of the actions of NLD which could adversely affect peace and tranquillity of the State.

I should like to emphasize that the Government's action is the most lenient possible measure in fulfilment of its fundamental obligation to protect the right of all citizens to live in a safe, secure and stable environment. The invitees were treated with courtesy and hospitality, which should not be equated with conditions of detention or arrest. It is obvious that there is a significant distinction between the status of the invitees under question and those detained for violation of existing laws.

Concerning allegations of political detention, I should like to state that no harsh and draconian laws that allow the Government to arbitrarily arrest a member of a political party exist in Myanmar. If there was any arrest, it could only be due to violation of existing laws, since political beliefs or membership in a political party have never been a reason for arrest.

In view of the facts mentioned above, my Government has no choice but to totally reject the allegations contained in both statements under reference.

I should like to request that the present letter be circulated as a document of the General Assembly under agenda item 110.

(Signed) Win **Mra**
Ambassador
Permanent Representative

United Nations A/C.3/53/6

General Assembly

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Agenda item 110 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 16 October 1998 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

With regard to your note transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of religious intolerance, dated 24 August 1998 (A/53/279), and in particular to its paragraph 51, which refers to the alleged related cases of two Greek citizens and presents an incorrect description of the situation in Greece, I would like to bring the following to your attention:

1. The case of E. Androutsopoulou, who was reportedly arrested for having made several references to Buddhism while teaching German at a private school, was brought before the three-member Court of First Instance of Rodopi, which acquitted her of all charges following its ruling under No. 878/18.6.98.

2. As regards the case of the pastor in the Greek Evangelical Church of Thessaloniki who was said to have also been arrested for failure to possess an official house of prayer licence, both the Police Department and the Office of the Attorney General of Thessaloniki have confirmed that no charges whatsoever were filed against the Reverend George Goudas and that no legal action has been undertaken against him.

3. Greece is party to all regional and international human rights instruments, including the European Convention on Human Rights, the international covenants on human rights and the Optional Protocol to the International Covenant on Civil and Political Rights. Consequently, there should be no reasonable doubt that it attaches the utmost importance to all related issues, including those concerning the elimination of intolerance and discrimination based on religion or belief, and that it strives to guarantee its citizens the enjoyment of the highest internationally recognized standards of human rights.

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4. Furthermore, Greece is fully committed to constructive cooperation with the Office of the High Commissioner for Human Rights and the Special Rapporteur, as stressed by the latter in paragraph 29 of his report. In the same spirit, the Greek Government sincerely hopes that Mr. Amor will, on the basis of the above irrefutable facts, take all the necessary steps, in his contacts with the competent United Nations bodies and in the course of implementing his mandate in the future, dispel any misleading conclusions as regards the policies followed by Greece in this respect that may have been drawn from the reading of the said report.

5. Finally, it should be noted, for the sake of good order, that His All Holiness the Ecumenical Patriarch of Constantinople is the spiritual leader of all people of Christian Orthodox faith and not of the "Greek Catholic Church", as seems to be erroneously implied in paragraph 71 of the report.

I would be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 110 (b).

(*Signed*) Christos **Zacharakis**
Ambassador
Permanent Representative

United Nations A/C.3/53/7

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Note by the Secretariat

At the request of the Permanent Mission of Iraq to the United Nations, the letter dated 27 June 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/53/165-S/1998/601) is hereby circulated under agenda item 110.

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